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EXAMINER

TAYLOR, NICHOLAS R

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/079,426
Filing Date: February 22, 2002
Appellant(s): KOSKELAINEN ET AL.

Majid S. AlBassam
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed January 18th, 2008, appealing from the Office action mailed March 19th, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal:

Cook (U.S. Patent 6,697,806) issued on February 24th, 2004.

Davis et al. (U.S. PGPub 2003/0041146) published on February 27th, 2003.

Nguyen et al. (U.S. PGPub 2003/0005132) published on January 2nd, 2003.

(9) Grounds of Rejection

The following grounds of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 60-63, 66-77, 80-87, 90, and 91 are rejected under 35 U.S.C. 102(e) as being anticipated by *Cook* (U.S. Patent 6,697,806).

3. As per claims 60, 74, 90, 91, 92, and 93, *Cook* teaches a method comprising the steps of:

requesting, by a terminal, a specified service to be at a disposition of said terminal, wherein the terminal is configured to perform communication via at least one communication network, each network being equipped with service processing entities; (*Cook*, col. 9, lines 4-12; fig. 5 items 512, 562, 564)

analyzing said request by an analyzing entity associated with said at least one communication network, (*Cook*, col. 9, lines 30-41)

said analyzing entity configured to be associable with a plurality of communication networks; (*Cook*, col. 8, lines 49-65; see overview of fig. 5 with multiple networks including items 530 and 540)

deciding, by said analyzing entity, that said requested specified service is associated a service processing entity of a specific one of said at least one communication network, and (*Cook*, col. 9, lines 30-41)

in response to said decision, routing communication messages associated with said terminal via said analyzing entity to said specific one of said service processing entities within said specified communication network (*Cook*, where message routing is described in col. 14, lines 44-50; see fig. 12 process steps 1212, 1214, 1216, and 1218).

4. As per claims 61 and 75, *Cook* teaches the system further wherein the requesting said specified service comprises indicating said specified service in a request message (*Cook*, col. 17, lines 38-44; col. 17, line 59 to col. 18, line 4; see also fig. 16 steps 1604, 1608, and 1612).
5. As per claims 62 and 76, *Cook* teaches the system further wherein the indicating said specified service comprises carrying by a service identifier in said request message (*Cook*, col. 17, lines 38-44; col. 17, line 59 to col. 18, line 4; see also fig. 16 steps 1604, 1608, and 1612).
6. As per claims 63 and 77, *Cook* teaches the system further wherein carrying said identifier comprises carrying the identifier in the user data payload in said request message (*Cook*, col. 17, lines 38-44; fig. 16).
7. As per claims 66 and 80, *Cook* teaches the system further wherein said request message comprises at least a subscriber identifier (*Cook*, fig. 16 item 1608).
8. As per claims 67 and 81, *Cook* teaches the system further comprising:
detecting that said request message does not comprise a service identifier; and

in response thereto, retrieving said service identifier based on said subscriber identifier from a database entity (*Cook*, col. 17, lines 45-58; see fig. 16, decision branch starting at step 1604 with the answer NO; see also database system of fig. 6).

9. As per claims 68 and 82, *Cook* teaches the system further comprising configuring said service identifier to comprise at least one of a network code and a service code (*Cook*, col. 17, lines 38-44; col. 17, line 59 to col. 18, line 4; see also fig. 16 steps 1604, 1608, and 1612).

10. As per claims 69 and 83, *Cook* teaches the system further comprising configuring said service identifier to comprise at least one of a network code and a service code (*Cook*, col. 17, lines 38-44; col. 17, line 59 to col. 18, line 4; see also fig. 16 steps 1604, 1608, and 1612).

11. As per claims 70 and 84, *Cook* teaches the system further comprising configuring said network code to represent a respective one of said communication networks (*Cook*, col. 17, lines 38-44; col. 17, line 59 to col. 18, line 4; see also fig. 16 steps 1604, 1608, and 1612, wherein the identifier represents the service provider at the destination network).

12. As per claim 71 and 85, *Cook* teaches the system further comprising configuring said service code to represent a respective one of the services to be processed at the

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corresponding service processing entity (*Cook*, col. 17, lines 38-44; col. 17, line 59 to col. 18, line 4; see also fig. 16 steps 1604, 1608, and 1612).

13. As per claims 72 and 86, *Cook* teaches the system further comprising configuring said communication networks to be distinguishable by at least one of the network type and the network operator (*Cook*, col. 9, lines 29-41, wherein service communication is handled specific to the network type).

14. As per claims 73 and 87, *Cook* teaches the system further comprising configuring said services to be distinguishable by at least one of the terminal type, subscriber identifier, subscriber profiles, manufacturer of the terminal, capabilities of the terminal or vendor of the terminal (*Cook*, col. 9, lines 29-41, e.g. when terminal capabilities and the subscriber profiles are used).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 64, 65, 78, and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Cook* (U.S. Patent 6,697,806) and *Davis et al.* (US PGPub 2003/0041146).

17. As per claims 64 and 78, *Cook* teaches the above, yet fails to teach wherein said carrying said identifier comprises carrying the identifier in a header of said request message.

Davis teaches a connection allocation method (*Davis*, paragraph 0019) that uses service codes representing services via message headers (*Davis*, paragraph 0049 & 0052, figure 2).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined *Cook* and *Davis* to provide the service code headers of *Davis* in the system of *Cook*, because doing so would allow intelligent and high speed connection decisions providing enhanced network services (*Davis*, paragraph 0018).

18. As per claims 65 and 79, *Cook* teaches the above, yet fails to teach piggybacking said identifier to said header.

Davis teaches a connection allocation method (*Davis*, paragraph 0019) that uses service codes representing services via message headers (*Davis*, paragraph 0049 & 0052, figure 2).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined *Cook* and *Davis* to provide the service code headers of *Davis* in the system of *Cook*, because doing so would allow intelligent and

high speed connection decisions providing enhanced network services (*Davis*, paragraph 0018).

19. Claims 88 and 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Cook* (U.S. Patent 6,697,806)) and *Nguyen et al.* (US PGPub 2003/0005132).

20. As per claims 88 and 89, *Cook* teaches the above, yet fails to teach wherein said request message is configured to be transported using the session initiation protocol (SIP).

Nguyen teaches a network with multiple service processing entities selectable for communication within the network (*Nguyen*, paragraphs 0029-0030 and figure 2) for service requests that use the Session Initiation Protocol (*Nguyen*, paragraphs 0068-0070).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined *Cook* and *Nguyen* to provide the multiple services of *Nguyen* in the system of *Cook*, because doing so would decrease management and maintenance requirements while improving scalability (*Cook*, paragraph 0007) and enable the use of the Session Initiation Protocol to achieve services such as Voice Over Internet Protocol (*Cook*, paragraph 0069).

(10) Response to Argument

In the Argument, Appellant argued in substance that

(A) *Cook* fails to disclose or suggest “routing communication messages associated with said terminal via said analyzing entity to said specific one of said service processing entities within said specified communication network.” In summary, the language of independent claim 60 requires that “the request is first forwarded to the selected service processing entity in the respective network, and upon receipt of the request at the selected service processing entity the requested service is established/executed so that thereafter communication messages associated with the terminal are routed via the analyzing entity to the specified service processing entity.” Conversely, *Cook* merely discloses that when a user requests access to services, the access network processes the user access profile for the user.

Equivalent arguments are presented for the remaining independent claims 74 and 90-93 and the dependent claims.

As to point (A), the Examiner respectfully disagrees with Appellant’s assertion of what the claim language requires. Independent claim 60 states, in part:

requesting, by a terminal, a specified service to be at a disposition
of said terminal...

analyzing said request by an analyzing entity associated with said
at least one communication network...

in response to said decision, **routing communication messages**
associated with said terminal via said analyzing entity to said specific one
of said service processing entities (emphasis added).

Therefore, the claim language requires that a “request” be sent to an analyzing entity that makes a decision and then routes “communication messages” to a service processing entity via the analyzing entity. There is no requirement or suggestion that the “request” is forwarded onward from the analyzing entity. *Cook* teaches the above limitations.

Cook teaches a network system that provides access between a user terminal and a “plurality of communication networks [that] provide services to a user” (Abstract). The access is provided using an analyzing entity (i.e., an “access server”) that analyzes a request and then links a user to the desired service provider (see, e.g., fig. 5 where a user 512 connects to access server 524 and after a decision may be routed to service provider 530).

Figure 12 and corresponding column 14, lines 29-50 of *Cook* describes the communication process in greater detail. A user terminal requests a specified service (steps 1202-1210), an analyzing entity decides that the requested service is associated with a specific service processing entity of a specific network (steps 1210-1214), and subsequent communication messages are routed to the destination (repeating steps 1216 and 1218).

(B) *Cook* teaches a “service provider” that differs from the claimed “service processing entity.” For example, as described in page 11 of the Specification a service provider may be used to descriptively distinguish networks, yet it does not correspond to a service processing entity. Therefore, *Cook* fails to teach “each network being equipped with service processing entities.”

Equivalent arguments are presented for the remaining independent claims 74 and 90-93 and the dependent claims.

As to point (B), the Examiner respectfully disagrees that there is an appreciable distinction between a “service processing entity” and a “service provider” as presented in the claim language.

Cook states that “[a] service provider is an entity that provides communication services to users who are accessing the service through an access provider” (col. 10, lines 18-21). Given a reasonable interpretation of the claim language, it would be impossible for the service provider entity of *Cook* to “provide” services without “processing” them. While the Appellant’s specification may include features that aid in limiting the term “service processing entity,” these limitations are not present in the claim language.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Respectfully submitted,

/N. T./

Nicholas Taylor

Examiner, Art Unit 2141

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